

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH PERONACE,

Plaintiff,

v.

CITY OF PHILADELPHIA,

Defendant.

CIVIL ACTION

NO. 23-3943-KSM

ORDER

AND NOW this 16th day of April, 2024, upon consideration of Plaintiff's Motion for Summary Judgment (Doc. No. 26), Defendant's opposition brief (Doc. No. 28), Defendant's Motion for Summary Judgment (Doc. No. 27), Peronace's opposition brief (Doc. No. 29), and the arguments made by counsel at oral argument on April 9, 2024, it is **ORDERED** as follows:

1. Plaintiff's motion is **GRANTED IN PART** and **DENIED IN PART**. The Court declines to grant judgment in Plaintiff's favor as a sanction for spoliation, but at trial, the Court will instruct the jury that they may presume that the lost video footage was unfavorable to the City.

2. The City's motion is **DENIED**.

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.